

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

JOHN F. PEOPLES	:	CIVIL ACTION
	:	
v.	:	
	:	
JO ANNE B. BARNHART	:	NO. 04-4284

ORDER

AND NOW, this 3rd day of November, 2005, upon consideration of plaintiff's motion for summary judgment (docket entry # 9), defendant's motion for summary judgment (docket entry # 13), the September 19, 2005 Report and Recommendation of the Honorable David P. Strawbridge (docket entry 17), and plaintiff's failure to object within ten days of service of the Report and Recommendation, as required by 28 U.S.C. § 636(b)(1) and the September 19, 2005 letter sent to his counsel by the Clerk of Court, thereby preventing us from executing our congressionally entrusted task, i.e., "make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made," id., and the Court, in any event, agreeing with Judge Strawbridge's cogent analysis,¹ it is hereby ORDERED that:

1. The Report and Recommendation is APPROVED and ADOPTED;
 2. Plaintiff's motion for summary judgment is DENIED;
- and

1. To wit, plaintiff has failed to demonstrate a due process violation or ALJ error, and the overpayment issue is not ripe for adjudication.

3. Defendant's motion for summary judgment is
GRANTED.

BY THE COURT:

/s/ Stewart Dalzell, J.

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